

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

BELLUR G. SHIVA PRASAD,

Plaintiff,

Case No. 3:15-cv-150

v.

A.O. SMITH ELECTRICAL
PRODUCTS CO.,

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION REGARDING
DEPOSITIONS BY AUDIO OR VIDEO MEANS (DOC. 65)**

This civil case is before the Court on *pro se* Plaintiff's motion requesting approval for using an audio or video recorder instead of a court reporter for deposition testimony. Doc. 65. Defendant filed a response to *pro se* Plaintiff's motion. The Court has carefully considered the parties' written submissions and Plaintiff's motion is now ripe.

Pro se Plaintiff appears to request leave of Court to record deposition testimony by means of audio or video recording in lieu of stenographic means. Rule 30, however, permits a party to take a deposition by audio or video means without first obtaining leave to do so. *See* Fed. R. Civ. P. 30(b)(3)(A). Accordingly, insofar as *pro se* Plaintiff requests leave in this regard, such request is **DENIED** as **MOOT**.

Insofar as *pro se* Plaintiff requests leave to audio or video record deposition using his own recording device, such request is **DENIED**. Rule 30 requires that "a deposition must be conducted before an officer appointed or designated under Rule 28." *See* Fed. R. Civ. P. 30(b)(5). Such officer must not only record the proceeding, but also must keep a copy of the recording after the deposition. *See* Fed. R. Civ. P. 30(f)(3).

Finally, the Court notes that, despite any deposition being recorded by audio or video means, the Federal Rules of Civil Procedure require that such proceeding be transcribed if subsequently used in any Court proceeding, such as at trial or in support or opposition of a motion. *See* Fed. R. Civ. P. 32(c). Accordingly, insofar as pro se Plaintiff is requesting leave to present any deposition testimony to the Court in a form other than a typed transcript of the proceeding, such request is **DENIED**.

IT IS SO ORDERED.

Date: February 5, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge